



STATEMENT OF:

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BEFORE THE

CONGRESSIONAL TESTIMONY TO THE UNITED STATES HOUSE
COMMITTEE ON HOMELAND SECURITY

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND
OVERSIGHT

CONCERNING

"The Deepwater Horizon Oil Spill Chain of Command: An Examination of
Information Sharing Practices During a Spill of National Significance"

PRESENTED ON
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Introduction

Good morning. I am Colonel Mike Edmonson, Deputy Secretary of the Louisiana Department of Public Safety, Public Safety Services. Although I am here to discuss issues related to the oil spill caused by the explosion and subsequent sinking of the Deepwater Horizon, I would like us to first take a moment to remember the 11 individuals who lost their lives on the night of April 20, 2010. The loss of life is tragic. I ask the Committee to remember these individuals and their families in your thoughts and prayers.

Chairman Thompson, and members of this Committee: thank you for inviting me to discuss the information sharing atmosphere that exists between the Command Group and the state of Louisiana during this spill of national significance.

The Louisiana Oil Spill Coordinator's Office (LOSCO) was moved to the Department of Public Safety in July of 2009 by an act of the Louisiana legislature. Also located within the Public Safety Services are the Office of State Police and the State Fire Marshal. These offices contain specialized units such as Crisis Response and Hazardous Materials Management that were thought by the Legislature to be compatible with the core mission of LOSCO. From its inception

in 1991 until July 2009, LOSCO was organizationally under the Office of the Governor. The move to place it under the umbrella of a large statewide agency provided a backbone of support and resources to assist LOSCO in carrying out its mission. The Department of Public Safety is able to provide administrative, technical, and logistical support to LOSCO at levels not seen previously.

In 1995, LOSCO and its partners in state government created a plan that describes how Louisiana agencies will respond during oil spills. Called the State Contingency Plan, this document helps clarify and streamline response procedures. LOSCO and its partners are continually working to further refine the State Contingency Plan. The results of this effort will provide a more detailed chain of command for oil spill cleanups, including a description of each agency's responsibilities in accordance with the Incident Command System. The State Contingency Plan is augmented by the Area Contingency Plan (ACP).

There are three ACP's in Louisiana's coastal zone, one for each of the United States Coast Guard (USCG) Marine Safety Office (MSO) jurisdictions.

- MSO New Orleans ACP
- MSO Morgan City ACP

- MSO Port Arthur ACP:

The plans describe response strategies for targeted areas, thereby providing an essential layer of preparation for oil spills. A committee guides each plan's development and revisions. The committees are composed of representatives from industry, environmental groups, and planners from federal, state, and local government. The committees meet regularly to update oil spill response plans, identify sensitive resources, and develop site-specific response strategies. The meetings are co-chaired by LOSCO and the USCG.

Louisiana responds to any emergency through the Unified Command process. Through this process, Governor Bobby Jindal receives input from the involved state agencies and directs their responses. The Unified Command Group (UCG) is established by statute and is defined as the strategic decision making body for emergencies in the state with the governor serving as the unified commander. The complex array of traditional and emerging threats and hazards demands the application of a unified and coordinated approach to emergency incident management not only during emergencies but during day-to-day operations of state government. Governor Jindal established the UCG membership by an Executive Order. The UCG is composed of sixteen (16) members. I am a member of the

UCG as well as the Oil Spill Coordinator. The current Executive Director of the Oil Spill Coordinator's Office is Mr. Roland Guidry. He and his Deputy Director, Dr. Karolien Debussche, are here with me today and communicate with me daily as to status of the response and issues that may be communicated to them through local, state and federal partners. LOSCO staff prepares and disseminate reports to me, and my command staff, as to the status of the response, and the numbers and assignments of staff assigned to the Deepwater Horizon event response.

UCG meetings are held daily in response to this disaster. Present at these daily meetings are representatives from BP, and the Coast Guard who brief the Group with what they represent to be the most up to date data available from the Command Groups in Houma and Robert and New Orleans. The Governor and cabinet members often present action items or requests for information to these representatives, who take such items back to the Federal Unified Command for review, response, and action.

A Spill of National Significance was declared by Secretary of U.S. Department of Homeland Security on April 29, 2010. Governor Jindal issued a statewide

declaration of emergency also on that same date. As the immediate emergency rescue missions ended, LOSCO engaged the U.S. Coast Guard and BP to begin normal oil spill response actions in accordance with the Federal Oil Pollution Act of 1990 (“OPA 90”) and the Louisiana Oil Spill Prevention Act of 1991. It is crucial to note that, under the federal law – OPA 90 – BP, as the responsible party, is legally responsible for response and removal activities.

As the magnitude of the spill grew over the first several days, it became apparent that more defensive measures to protect the coastline were necessary and that there was time to implement those measures as the oil approached from 48 miles offshore. Local governments, concerned with the lack of protective measures in their parishes, developed more robust plans to counteract the approaching oil but were frustrated with their inability to interact and participate in the response efforts due to the response framework dictated by the OPA 90. This law imposes responsibility upon the “responsible party” to conduct response and removal activities, with oversight from the U.S. Coast Guard for offshore spills. BP and the Coast Guard were rigidly executing the Area Contingency Plan and the state and local governments found it hard to influence those actions. BP and the Coast Guard did not consider or incorporate more recent analysis which would have

identified what critical areas needed protection. Representatives from the state continue to engage the locals in preparing alternative response plans. These alternative response plans were then presented to the BP/Coast Guard Incident Command, and vetted through the Planning, and Operations subgroups. These plans were not adopted in full, but served as a framework for use by the Unified Command in protecting the coast from impact.

A state, whose territory is impacted by an oil spill does not have the authority to direct response activities. This stands in marked contrast to the more commonly understood emergency response framework for non-oil spill emergencies and disasters (such as hurricanes, tornadoes, ice storms and earthquakes) where state and local officials have the authority, and are expected, to take direct actions to protect life and property. Under OPA 90, it is the responsible party – in this case, BP – that has the authority to conduct response and clean-up activities while the federal government maintains ultimate authority. As the event continued into the first weeks, the Coast Guard incorporated the local governments into the response efforts both to take advantage of their in-depth knowledge of the local area, and to adopt the detailed local response plans into the overall response effort.

LOSCO representatives have maintained their interaction with local officials since the early days of this event. A designated State On-Scene Coordinator (SOSC) has been present in the Houma command center since its inception. Representatives of state agencies have been integrated into various levels of the federal response to include the Houma-Incident Command Post and Unified Area Command which was in Robert, LA, and is now located in New Orleans. Additionally state employees have worked tirelessly with local officials to better coordinate resource requests and serve as an ombudsman for local government. Additionally, LOSCO engaged a full-time representative to enhance coordination with the parishes.

The United States Coast Guard has stationed a liaison officer at the State Emergency Operations Center. The United States Army Corps of Engineers, United States Department of the Interior, National Oceanographic and Atmospheric Administration (NOAA), Department of the Interior and others have been actively engaged in the response to protect Louisiana's coastline.

In conclusion, at this time, over thousand state personnel are involved in the response, 1,044 in the field, and 40 in the Houma Command Center. The oil is the enemy and our response will remain firm and lines of communication open.

Thank you.